



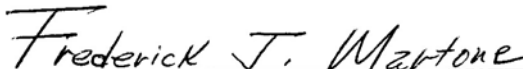
1 Employment Opportunity Commission (EEOC).

2 Before asserting a civil action under Title VII, the ADEA, or the ADA, a plaintiff must  
3 first file a charge of discrimination with the EEOC within 300 days after the alleged unlawful  
4 employment practice took place. See 42 U.S.C. § 2000e-5(e)(1) (Title VII), 29 U.S.C. §  
5 626(d)(1) (ADEA); 42 U.S.C. § 12117(a) (ADA). A discriminatory act is not actionable  
6 unless a timely charge is filed. Nat'l R.R. Passenger Corp. v. Morgan, 536 U.S. 101, 113,  
7 122 S. Ct. 2061, 2072 (2002).

8 Plaintiff alleges in her complaint that she filed a charge of discrimination with the  
9 EEOC before filing this action. Compl. ¶ 16. She filed an unperfected charge on March 30,  
10 2010, which was later perfected on August 31, 2010. Motion, ex. A. Therefore, assuming  
11 the August charge relates back to the March charge, to be timely, any discriminatory conduct  
12 must have occurred on or after June 3, 2009, which was 300 days before the unperfected  
13 EEOC claim was filed. The EEOC charge itself states that the latest date that any  
14 discrimination occurred was June 1, 2009. Because plaintiff failed to file the charge within  
15 300 days after the alleged discriminatory acts occurred, her complaint is time-barred and the  
16 action must be dismissed.

17 **IT IS ORDERED GRANTING** defendant's motion to dismiss (doc. 4). The clerk  
18 shall enter final judgment.

19 DATED this 17<sup>th</sup> day of January, 2012.

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21   
22 Frederick J. Martone  
23 United States District Judge  
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